

FILED/ACCEPTED

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUL 17 2007

Federal Communications Commission
 Office of the Secretary

In the Matter of) EB Docket No. 07-13
)
DAVID L. TITUS) FRN No. 0002074797
) File No. EB-06-IH-5048
 Amateur Radio Operator and Licensee of)
 Amateur Radio Station KB7ILD)

To: David L. Titus

ENFORCEMENT BUREAU'S OBJECTION TO
DAVID TITUS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

1. On July 3, 2007, David L. Titus ("Titus") directed to the Enforcement Bureau ("Bureau") "David Titus' First Request for Production of Documents" ("Document Request").¹ The Bureau, pursuant to Section 1.325(a)(2) of the Commission's Rules, hereby objects to Titus' Document Request in its entirety for the following reasons.

2. Titus seeks to have the Bureau produce "All documents identified or requested in David Titus' First Request for Interrogatories to the Enforcement Bureau dated July 3, 2007." He expressly states that his Document Request is being filed pursuant to "Section 1.325 of the Commission's Rules."


¹ Although Titus transmitted a copy of his Document Request to the Bureau via e-mail on July 5, 2007, he explicitly characterized the document so transmitted as a "courtesy" copy. The certificate of service accompanying Titus' Document Request indicates that he deposited a copy of his Document Request addressed to the Bureau in the U.S. Mail on July 3, 2007. Because Section 1.325 allows 10 days (including holidays) within which to interpose an objection, and Section 1.4(h) allows for three additional days (excluding holidays) to interpose an objection to any pleading that is served by mail, the Bureau's instant pleading is required to be filed on or before July 18, 2007. Accordingly, the Bureau's instant pleading is timely.

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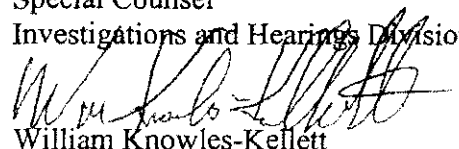
3. Titus' Document Request is fatally flawed because Commission records are not subject to discovery in hearing proceedings under Section 1.325 of the Commission's Rules. To the contrary, Section 1.325(b) of the Commission's Rules requires that "[a]ny party seeking the production of Commission records should proceed under § 0.460 or § 0.461" of the Commission's Rules. Sections 0.460 and 0.461 are provisions that were adopted by the Commission to implement the Freedom of Information Act.

4. Because Titus' Document Request for Commission records was filed pursuant to Section 1.325 of the Commission's Rules, and Section 1.325(b) precludes such requests in hearing proceedings, the Bureau objects to Titus' Document Request in its entirety. Titus' Document Request is procedurally defective and should be dismissed as fatally flawed. Any such requests for Commission records must, if at all, be filed under the Freedom of Information Act, in strict accordance with the procedures established thereunder.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Schonman
Special Counsel
Investigations and Hearings Division



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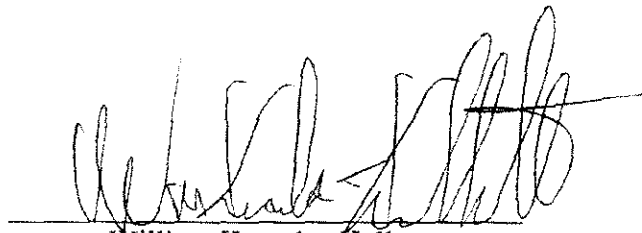
July 17, 2007

CERTIFICATE OF SERVICE

William Knowles-Kellett, counsel for the Enforcement Bureau in the captioned matter, certifies that he has, on this 17th day of July 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Objection to David Titus' First Request for Production of Documents" to:

Steven D. Brown, Esq.
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1001 4th Avenue, 44th Floor
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Counsel to David L. Titus

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Suite 1-C768
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William Knowles-Kellett

* Hand-Delivered